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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,020	09/05/2003	Paul Joseph McArdle	G&C 30566.255-US-U1	8147
22462	7590	03/09/2006	EXAMINER	
GATES & COOPER LLP HOWARD HUGHES CENTER 6701 CENTER DRIVE WEST, SUITE 1050 LOS ANGELES, CA 90045			MORRISON, JAY A	
			ART UNIT	PAPER NUMBER
			2168	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/656,020	<b>Applicant(s)</b> MCARDLE ET AL.	
	<b>Examiner</b> Jay A. Morrison	<b>Art Unit</b> 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. Claims 1-30 are pending.

#### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

#### ***Claim Objections***

3. Claims 2,12, and 22 objected to because of the following informalities:

As per claims 2,12, and 22: the cited claims all end in a semicolon, and claims must end in a period.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-30 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1-10: The cited claims do not produce a tangible result. In most cases methods are only statutory when recorded on some computer-readable medium.

As per claims 1-30: The cited claims are directed to non-functional descriptive material, which is not a practical application and is therefore non-statutory. Functional descriptive material consists of data structures and computer programs which impart functionality when employed as a computer component. A data structure is defined by the New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5<sup>th</sup> ed. 1993) as follows: "a physical or logical relationship among data elements, designed to support specific data manipulation functions."

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Ernst (Patent Number 6,591,278).

As per claim 1, Ernst teaches

"defining a project file comprising general information regarding the project"  
(column 5, lines 37-54);

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“defining a folder structure for the project wherein one or more project drawing files are organized into various folders by drawing file type” (column 15, lines 40-65);

“and defining a companion file for each project drawing file, wherein each companion file comprises information to link each project drawing file to the project” (column 12, line 42 through column 13, line 34).

As per claim 2, Ernst teaches

“the general information is selected from a group comprising: a project name; a project number; a project level; a project division; a first default template for a new element; a second default template for a new construct; a third default template for a new view; and a fourth default template for a new sheet” (column 5, lines 37-54).

As per claim 3, Ernst teaches

“the project drawing file comprises an extensible markup language (XML) document” (column 9, line 61 through column 10, line 19).

As per claim 4, Ernst teaches

“the companion file comprises an extensible markup language (XML) file” (column 9, line 61 through column 10, line 19).

As per claim 5, Ernst teaches

“the various folders comprise: an elements folder for element type drawing files; a constructs folder for construct type drawing files; a views folder for view type drawing files; and a sheets folder for sheet type drawing files” (column 15, lines 40-65).

As per claim 6, Ernst teaches

“the element type drawing file comprises a set of geometry that may be repeated throughout a project” (column 5, lines 37-54).

As per claim 7, Ernst teaches

“the construct type drawing file comprises: an identification of geometry and data for a particular level/wing and category of the project; and one or more elements” (column 5, lines 37-54).

As per claim 8, Ernst teaches

“the view type drawing file automatically assembles appropriate constructs to represent a portion of a project that has been selected based upon user specified data” (column 5, lines 37-54).

As per claim 9, Ernst teaches

“the sheet type drawing file comprises one or more views and represents a printed/plotted document” (column 5, lines 37-54).

As per claim 10, Ernst teaches

“the defining a companion file further comprises: defining a user definable category and value for project information; storing said user definable category and value in the companion file” (column 5, lines 37-54).

As per claims 11-20,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-10 and are similarly rejected.

As per claims 21-30,

These claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-10 and are similarly rejected.

### ***Conclusion***


8. The prior art made of record, listed on form PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

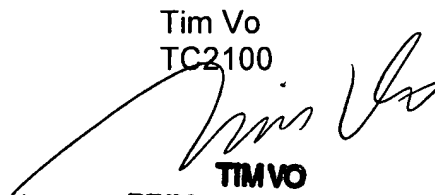
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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**PRIMARY EXAMINER**